COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

ADMINISTRATIVE
INVESTIGATIVE SUMMARY

DATE / TIME: May 8, 2012 at 2300 hours

LOCATION: Westbound Interstate 10 Freeway off ramp at Towne Avenue, Pomona

IAB #: **IV2313304**

SUBJECTS: Rafael Munoz
Deputy Sheriff
North County Correctional Facility

ALLEGATION

It is alleged Deputy Munoz caused embarrassment to the Department, resulting from an off-duty solo vehicle hit and run collision. It is further alleged at the time of the collision, Deputy Munoz had a prohibited association with the passenger in his vehicle who is a convicted felon and had a reputation for criminal activity.

SUMMARY

On May 8, 2012, Deputy Munoz was involved in an off-duty hit and run traffic collision in the city of Pomona. The collision was handled and investigated by the California Highway Patrol. As a result of the investigation, Deputy Munoz was charged with misdemeanor hit and run and Deputy Munoz was placed on a criminal monitor with Internal Affairs Bureau pending the outcome of the case.

> **IAB NOTE-** The hit and run report is attached as **Exhibit A**. The arrest report is attached as **Exhibit B**.

One count of misdemeanor hit and run, section 20002(A)(1) of the California Vehicle Code was filed in Pomona Superior Court on June 28, 2012. On October 26, 2012, Deputy Munoz was convicted of misdemeanor hit and run in Pomona Superior Court, Department 2 and sentenced to two years summary probation by Judge Geanene M. Yriarte.

As a result of the conviction, Deputy Munoz was placed on the District Attorney's office, [redacted]. Following the conviction, an Internal Affairs administrative investigation began at the request of North County Correctional Facility, Captain Trujillo.

At the time of the collision, Deputy Munoz was driving his 2006 Chevy Colorado pick-up truck. The passenger in Deputy Munoz's vehicle was later identified as [redacted] As a result of the traffic collision, Deputy Munoz's vehicle was inoperable and deemed a total loss by his insurance company. Refer to **Exhibit C** for further.

> **IAB NOTE-** Internal Affairs investigators later learned Mr. [redacted] is Deputy Munoz's [redacted], [redacted] from Deputy Munoz in the city of [redacted].

After the collision, Deputy Munoz and Mr. [redacted] fled the scene on foot in separate directions, abandoning the vehicle on the center divider of Towne Avenue, partially blocking the roadway. The collision was investigated by Officer [redacted] from the California Highway Patrol, Baldwin Park office.

Officer [redacted] was unable to contact Deputy Munoz regarding the collision, after several attempts. There were two civilian witnesses who observed two males running from the vehicle after the collision. Their statements can be found in the collision report **(Exhibit A)**. At 1500 hours on May 9, 2012, Deputy Munoz responded to the California Highway Patrol office and completed a hand written counter report (**Exhibit D)** acknowledging he was the driver of the vehicle and that he panicked when he realized he did not have his driver's license in his possession. He said he left on foot to retrieve his wallet and when he returned to the scene, his vehicle was gone. Internal Affairs investigators noted the counter report was only partially completed by Deputy Munoz and several questions were left unanswered.

> **IAB NOTE-** Although Mr. [redacted] was Deputy Munoz's passenger at the time of the collision, Officer [redacted] was never able to identify the passenger and Mr. [redacted] was not listed as a passenger in the collision report.

Officer [redacted] completed his investigation without a verbal statement from Deputy Munoz. Based on his investigation and the written statement submitted by Deputy Munoz, Officer [redacted] submitted an arrest report **(Exhibit B)** listing Deputy Munoz as a suspect of misdemeanor hit and run, violation of 20002(a)(1) of the California Vehicle Code.

A restitution hearing was set for December 14, 2012 for damages to State property incurred during the collision. For reasons unknown, the hearing was vacated from the court calendar without prejudice and Deputy Munoz was not required to pay restitution to the State.

IAB NOTE- According to the collision report a freeway sign was knocked over during the collision. Refer to Exhibit A, page 7.

The collision and arrest reports (**Exhibits A and B**) from the California Highway Patrol should be referred to for details regarding the traffic collision and subsequent investigation. In addition, the minutes regarding all court proceedings related to this case is attached included in this case. See **Exhibit H**.

IAB NOTE- Refer to the interview summary and transcripts of Deputy Munoz's Internal Affairs interview for complete details of his explanation of events in this case.

Deputy Munoz was interviewed twice by Internal Affairs investigators. The first interview was to question Deputy Munoz regarding the circumstances of the collision. The second interview was to question Deputy Munoz regarding his association with Mr. [redacted] after investigators later learned of Mr. [redacted] criminal history. During the first Internal Affairs interview of Deputy Munoz, he confirmed the identity of his passenger as his [redacted], [redacted] from him in the city of [redacted]. Immediately following his interview, Internal Affairs investigators located and contacted Mr. [redacted] at his place of employment in order to conduct an interview of him regarding the collision.

IAB NOTE- For complete details regarding Mr. [redacted] statements regarding the collision, refer to his interview summary and transcripts in this case.

While interviewing Mr. [redacted] regarding the collision, Internal Affairs investigators discovered Mr. [redacted] was a convicted felon having previously served time in State Prison. After the interview, investigators conducted a [redacted] of Mr. [redacted] and discovered he had three felony convictions and three misdemeanor convictions and was on active probation for [redacted] at the time of the interview. Mr. [redacted] is attached to this case. See **Exhibit F**.

The following is a list of Mr. [redacted] convictions and sentencing:

[redacted]

[redacted]

[redacted]

[redacted]

Mr. [redacted] told investigators he fled from the accident scene because he was scared. He said it was the first accident he had ever been in (refer to [redacted] transcripts, page 6). That statement was contrary to his [redacted] conviction of [redacted] During the interview, investigators noted Mr. [redacted] had a spider web and 909 tattoos on his elbow in plain view.

> **IAB NOTE-** Deputy Munoz admitted Mr. [redacted] had tattoos on his arms, but could not describe the tattoos to investigators.

Deputy Munoz denied knowledge of Mr. [redacted] criminal history although he acknowledged him and Mr. [redacted] took different life paths and he often gave Mr. [redacted] advice about going to school and getting a job. Additionally, Deputy Munoz has known Mr. [redacted] since [redacted] and they have been neighbors since then. Deputy Munoz said his parents know Mr. [redacted] parents and the two families have joined each other in the past for BBQ's and during Christmas time.

Deputy Munoz told Internal Affairs investigators he was unaware Mr. [redacted] had served any jail time and never informed his unit commander of his association with Mr. [redacted] Deputy Munoz did not notice Mr. [redacted] was gone from his home for extended periods of time while he [redacted] was serving time in county jail or state prison. Deputy [redacted] told Internal Affairs investigators he may have not noticed Mr. [redacted] was gone, because he (Munoz) had gone away to college for four years.

> **IAB NOTE-** Deputy Munoz indicated he was away in college from [redacted]. According to Mr. [redacted] criminal history, his troubles began in [redacted] when Deputy Munoz would have been back from college.

The criminal monitor and subsequent administrative investigation were handled by separate investigators from Internal Affairs Bureau. The entire criminal monitor folder which was obtained during the administrative investigation is submitted with this case as **Exhibit I.** Some of the documents contained in the criminal monitor are duplicated in this investigation, but were intentionally left, in order to preserve the order and ease of understanding for the reader. Contained within the criminal monitor (**Exhibit I**) are photographs which were taken by the Internal Affairs investigator (during the criminal monitor) nearly a month after the incident. The photographs depict what is believed to

be the area of impacts based on the collision report; including a photograph of the freeway sign which was presumed to be knocked over during the collision. The restitution hearing never occurred, therefore there is no solid proof the damage depicted in the photographs were caused by Deputy Munoz.

> **IAB NOTE-** Deputy Munoz told Internal Affairs investigators he did not recall damaging any property, other than his own vehicle.

The following interview summaries are based on statements given during audio recorded interviews by the subject and witnesses. For complete and detailed statements, refer to the digital audio/video recorded files or the verbatim transcripts, which are included in this investigation.

WITNESS INTERVIEW SUMMARY

[redacted] was interviewed by Internal Affairs investigators on April 16, 2013 at his place of employment in the city of [redacted] Investigators were unaware of Mr. [redacted] criminal history at the time of the interview. The purpose of the interview was to obtain information from Mr. [redacted] as a witness to the traffic collision. During the interview Mr. [redacted] admitted to having served time in State Prison. Mr. [redacted] was aware of Deputy Munoz's occupation and has known Deputy Munoz nearly his entire life.

Prior to the collision Deputy Munoz told Mr. [redacted] he was going to see a friend. Mr. [redacted] begged Deputy Munoz to let him go and Deputy Munoz agreed. Mr. [redacted] was the passenger in Deputy Munoz's vehicle. He said the accident happened so fast and everything was a blur. He said Deputy Munoz lost control but did not know how. Mr. [redacted] did not see a vehicle cut him off and could not recall if the airbags deployed.

> **IAB NOTE-** Mr. [redacted] appeared nervous throughout the interview. Several times throughout the interview he would begin to say something, and then say he did not remember. Refer to transcripts for details.

After the accident, Mr. [redacted] said, "We pretty much waited around and took off." He said he took off and Deputy Munoz was nowhere to be found. Deputy Munoz and Mr. [redacted] both left in separate directions. Mr. [redacted] did not know in which direction Deputy Munoz left, but said he went to a donut shop to call his girlfriend for a ride. Mr. [redacted] said he left because he was scared. He said the vehicle was totaled and it was "scary" to be around there. Mr. [redacted] said it was the first he had ever been involved in an accident like that.

> **IAB NOTE-** Mr. [redacted] was convicted of [redacted] in [redacted] and was on probation for that conviction at the time of his Internal Affairs interview. When asked, Mr. [redacted] denied he was on probation to investigators.

Mr. [redacted] said Deputy Munoz never told him to stay and wait for the police to arrive. Mr. [redacted] denied being under the influence of alcohol at the time of the collision and said he was not injured. He said he just took off without either him or Deputy Munoz communicating anything. Mr. [redacted] said, "The whole reason for me taking off was to avoid you (police)….I didn't want nothing to do with it." When questioned about that comment, Mr. [redacted] clarified that he was not worried about the police and had no reason to worry. Mr. [redacted] said he never discussed the accident with Deputy Munoz after the incident except that Deputy Munoz apologized to him for putting him in that situation.

Mr. [redacted] was asked his opinion about the image of Deputy Munoz as a peace officer after this incident. Mr. [redacted] said in part, "He is a good guy. He is a role model citizen and he is the reason why I'm here. I've been doing some stupid things in the past and he's always telling me slow down and encourages me to do better."

Mr. [redacted] was asked if he thought there was anything wrong with leaving the scene of an accident. Mr. [redacted] replied, "I don't know. I've never done that before."

SUBJECT INTERVIEW SUMMARY

Deputy Rafael Munoz was first interviewed by Internal Affairs investigators on April 16, 2013 regarding the hit and run. He was re-interviewed on May 2, 2013 regarding his association with Mr. [redacted] He was represented by his attorney Alfonso Estrada from the Law Office of Green and Shinee.

Prior to the hit and run accident, Deputy Munoz was at home preparing to meet some girls at "BJ's Restaurant" in West Covina. Mr. [redacted] knocked on his door and asked to tag along with Deputy Munoz. The two of them drove away in Deputy Munoz's 2006 Chevy Colorado pick-up. Deputy Munoz was driving and Mr. [redacted] was the passenger. Deputy Munoz entered the westbound Interstate 10 freeway at Indian Hill in the city of Montclair and exited Towne Avenue in Pomona to get gas.

> **IAB NOTE-** Deputy Munoz could not provide Internal Affairs investigators any telephone numbers to the girls he was going to meet and only knew one of the girls went by the nickname, "Monie." He deleted their phone numbers after that night.

Deputy Munoz was in the center lane of the Towne Avenue off-ramp which is a three lane exit. Deputy Munoz said an unidentified vehicle cut him off and he swerved to avoid a collision with that vehicle. He could not describe the vehicle that cut him off. Deputy Munoz lost control of his vehicle causing his vehicle to collide with the center island that divides the north and southbound lanes of Towne Avenue. Deputy Munoz said his vehicle became inoperable after the collision.

> **IAB NOTE-** According to the CHP report, Deputy Munoz's vehicle first collided with a center island at the end of the off-ramp, striking and knocking over a freeway, "Do Not Enter" sign. Deputy Munoz did not recall hitting the sign; however he acknowledged his vehicle sustained major front end damage which included two front flat tires, front grill damage, hood damage and a busted windshield. The vehicle's airbags also deployed. Deputy Munoz's vehicle later was deemed a total loss by his insurance company (Refer to **Exhibit C).**

After the collision, Deputy Munoz panicked and realized he did not have his driver's license with him. He knew not having his license in his possession was a violation of the Vehicle Code and decided to walk back home to retrieve his license. Deputy Munoz told Mr. [redacted] to wait at the location. Deputy Munoz was unable to make any phone calls to report the collision because he had left his cellular phone in his vehicle.

> **IAB NOTE-** Using a photocopy of the location obtained from "MapQuest," Deputy Munoz provided Internal Affairs investigators with the route he took on foot after the collision. See **Exhibit E**.

By his own admission, Deputy Munoz abandoned his vehicle blocking the number one lane northbound on Towne Avenue. Although it was night, Deputy Munoz did not turn on his hazard lights to warn oncoming vehicles.

When Deputy Munoz returned to the scene of the collision approximately eighty minutes later, his vehicle and Mr. [redacted] were gone. Deputy Munoz went back home and decided he would deal with it in the morning. His cell phone remained in his vehicle and he did not consider using a payphone. Deputy Munoz did not have a home phone. Deputy Munoz never spoke to Mr. [redacted] about the collision after the fact. The only thing he knew was Mr. [redacted] went home after the collision but they both took different routes.

> **IAB NOTE-** According to reports, CHP Officer [redacted] responded to Deputy Munoz's house at 0013 hours but no one answered. Deputy Munoz said he was probably asleep and was unaware CHP was at his door.

The next morning, Deputy Munoz drove to Pomona Police Department to inquire about his vehicle. A Pomona Police desk clerk informed Deputy Munoz his vehicle was at "Sanders Tow" yard and the collision was being investigated by the California Highway

Patrol. Deputy Munoz drove to the tow yard to retrieve his cellular phone from his vehicle. Deputy Munoz provided Internal Affairs investigators with a property release form from "Sanders" Towing (See **Exhibit G**).

> **IAB NOTE-** On the night of the collision, Deputy Munoz walked back to the scene of the collision, but drove his dad's vehicle to Pomona Police Station the next morning. Deputy Munoz told Internal Affairs investigators, he did not drive back to the scene of the collision after retrieving his license because he could not find the keys to his dad's vehicle. His parents were in Mexico at the time of the incident.

After retrieving his cellular phone from the tow yard, he discovered his phone was dead. He charged his phone, and then called the California Highway Patrol, Baldwin Park Office. An unidentified officer began questioning Deputy Munoz which Deputy Munoz perceived as an interrogation. Deputy Munoz felt he needed to preserve his rights and denied to the officer, that he was driving the vehicle. The officer told Deputy Munoz to find out who was driving the vehicle and to respond to the Baldwin Park office. Deputy Munoz gathered his thoughts and responded to the CHP office at 1500 hours with intentions on admitting he was the driver. At the CHP office, Deputy Munoz completed a counter report admitting he was the driver (Refer to **Exhibit D**).

> **IAB NOTE-** Deputy Munoz told Internal Affairs investigators the reason he did not complete the counter report in its entirety was because he thought some of the questions did not apply.

At the CHP office, Deputy Munoz was provided with the face page of a report which indicated he was facing criminal charges. Deputy Munoz notified NCCF Lieutenant Lewandowski of the incident on May 9, 2013. On May 12, 2013, Deputy Munoz received two voice messages on his cellular phone from CHP Officer [redacted] Deputy Munoz did not return those phone calls on the advice of counsel.

Deputy Munoz said he was not drinking or under the influence of alcohol at the time of the collision. Initially, he did not believe the collision would be considered a hit and run accident because in his mind he had not damaged any property other than his own vehicle. Deputy Munoz said neither he nor Mr. [redacted] was injured during the collision. Deputy Munoz said he never identified himself to CHP as a deputy sheriff because he did not want preferential treatment.

During the second Internal Affairs interview of Deputy Munoz, he told investigators the last time he spoke with Mr. [redacted] was the day he ([redacted] was interviewed by Internal Affairs investigators (April 16, 2013). Mr. [redacted] called Deputy Munoz to tell him of the interview. Mr. [redacted] told Deputy Munoz investigators inquired about his prison time.

Deputy Munoz denied knowledge of Mr. [redacted] criminal history. He said Mr. [redacted] had tattoos but could not describe them to investigators. Deputy Munoz was shocked at finding out Mr. [redacted] had served time in prison but did not inquire from Mr. [redacted] as to why he served prison time. Deputy Munoz said he was not interested at the time to ascertain why Mr. [redacted] had gone to prison.

Deputy Munoz told investigators he did not see any similarities with the mannerisms or actions of Mr. [redacted] and inmates he interacted with as a Deputy Sheriff in the county jail.



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

August 29, 2013

Deputy Rafael Munoz, [redacted]

Dear Deputy Munoz:

On August 7, 2013, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2313304. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on August 30, 2013.

An investigation under File Number IAB 2313304, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations, and Orders [as it pertains to 20002 (A)(1) C.V.C., Permissible Action Duty Where Property Damage (hit and run)]; and/or 3-01/030.05, General Behavior; and/or 3-01/000.10, Professional Conduct, on or about May 8, 2012, while off-duty, you were involved in an off-duty solo traffic collision in the city of Pomona. Your personal vehicle struck a curb causing major damage to your vehicle. You and your passenger, [redacted] fled the scene of the traffic collision prior to law enforcement arriving. The vehicle was

left damaged, unattended and blocking lanes of traffic. You did not report the traffic collision until the following day, May 9, 2012, when you attempted to retrieve your vehicle from the tow yard where it was stored. You were charged with 20002 (A)(1) C.V.C., Permissible Action Duty Where Property Damage (hit and run). You pled nolo contendere in Pomona Superior Court on October 26, 2012, to a violation of 20002 (A)(1) C.V.C., Permissible Action Duty Where Property Damage (hit and run). You were placed on summary probation for two years and ordered to pay fines. You failed to adhere to the Core Values of the Department as you failed to apply wisdom and use common sense when you fled the scene of the traffic collision, and/or created a traffic hazard for other users of the road by abandoning your damaged vehicle in lanes of traffic. You conducted yourself in a manner which caused undue embarrassment to, and/or damaged the reputation of the Department; and/or brought discredit to yourself and/or the Department.

2. That in Violation of Manual of Policy and Procedures Section 3-01/040.90, Reporting Information, on or about May 8, 2012, you failed to promptly report to your immediate supervisor the circumstances surrounding your traffic collision and failure to remain at the scene as evidence by, but not limited to:

    a. stating during your internal investigation you did not report your involvement in a May 8, 2012, off-duty traffic collision and subsequent investigation which resulted in your conviction until approximately 15 hours elapsed after the traffic collision, and/or words to that effect.

3. That in violation of Manual of Policy and Procedures Sections 3-01/040.85, Cooperation During Criminal Investigation; and/or 3-01/040.76, Obstructing an Investigation/Influencing a Witness; on or about May 9, 2012, you failed to make full, complete and truthful statements to California Highway Patrol personnel when questioned regarding the May 8, 2012, traffic collision involving your vehicle as evidence by, but not limited to:

a. admitting during your April 16, 2013, internal interview that on May 9, 2012, you told California Highway Patrol personnel you were not the driver of your vehicle during the traffic collision on May 8, 2012, and/or;

b. failing to complete, in its entirety, a traffic collision report that you submitted to the California Highway Patrol on May 9, 2012, and provide full details of your traffic collision on May 8, 2012, and/or;

c. failing to include in your traffic collision report that you submitted to the California Highway Patrol on May 9, 2012, that [redacted] was a passenger in your vehicle during the traffic collision on May 8, 2013.

4. That in violation of Manual of Policy and Procedures Sections 3-01/050.85, Fraternization and Prohibited Associations; and/or 3-01/040.75, Failure to Make Statements, and/or Making False Statements During Departmental Internal Investigations; on or about May 8, 2012, you knowingly and willfully maintained a personal relationship or association with, and/or did favors for [redacted] a convicted felon; and/or failed to report to your unit commander your personal relationship or association with [redacted], as evidenced by, but not limited to:

a. admitting during your May 2, 2013, internal investigation you had known [redacted] as a neighbor for over 20 years, but denied you knew of [redacted] criminal activity, and/or;

b. stating during your May 2, 2013, internal interview that you had counseled [redacted] about choosing the right route in life as opposed to the route [redacted] was on, and/or;

c. admitting during your May 2, 2013, internal interview that [redacted] has been to your house for social gatherings and you have been to [redacted] house for social functions, and/or;

d. stating during your May 2, 2013, internal interview that you did not hang out with [redacted], but

> admitted you allowed [redacted] to go with you to meet friends at a restaurant on May 8, 2012, because [redacted] simply asked to go.

Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

ERIC G. PARRA, CHIEF
CUSTODY SERVICES DIVISION – GENERAL POPULATION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

EGP:AEA:jp

c: Advocacy Unit
Chief Eric G. Parra, Custody Services Division – General Population
Victor M. Trujillo, Captain, North County Correctional Facility
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration
Doreen Garcia